

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
FEDERAL TRADE COMMISSION, STATE OF NEW :
YORK, STATE OF CALIFORNIA, STATE OF : 20cv00706 (DLC)
OHIO, COMMONWEALTH OF PENNSYLVANIA, :
STATE OF ILLINOIS, STATE OF NORTH : ORDER
CAROLINA, and COMMONWEALTH OF :
VIRGINIA,

:
Plaintiffs, :

-v- :

VYERA PHARMACEUTICALS, LLC, AND :
PHOENIXUS AG, MARTIN SHKRELI, :
individually, as an owner and former :
director of Phoenixus AG and a former :
executive of Vyera Pharmaceuticals, :
LLC, and KEVIN MULLEADY, individually, :
as an owner and former director of :
Phoenixus AG and a former executive of :
Vyera Pharmaceuticals, LLC, :

:
Defendants. :

----- X

DENISE COTE, District Judge:

Trial in this antitrust action is scheduled to begin on December 14, 2021. Direct testimony from witnesses under the control of the parties has been submitted by affidavit with the pretrial order, including the direct testimony of defendants' expert witness Sheldon Bradshaw. An Opinion of November 16 granted in part the plaintiffs' October 20 motion in limine to exclude Bradshaw's affidavit and ordered the parties to redact portions of the affidavit consistent with the Opinion.

On December 8, the plaintiffs filed their objections to

Bradshaw's remaining unredacted testimony. Applying the law described in the November 16 Opinion and having reviewed the disputes remaining between the parties, it is hereby

ORDERED that all objections are sustained except for the objections to the last sentence in paragraph 37.

IT IS FURTHER ORDERED that the plaintiffs shall advise the Court by **December 11 at 5:00 pm** whether they intend to call Mansoor A. Khan as a rebuttal expert witness at trial, and the extent to which any portions of his testimony are subject to an objection from the defendant.

SO ORDERED:

Dated: New York, New York
December 10, 2021


DENISE COTE

United States District Judge